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Merchant & Gould

An Intellectual Property Law Firm

A Professional Corporation

Fax Transmission | May 11, 2005

TO: Commissioner for Patents
Attn: Examiner Aniruddho Ray Chaudhuri
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Katherine M. Kowalchyk
OUR REF: 11669.147USU1
TELEPHONE: 612.371.5311

Total pages, including cover letter: 17

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Title of Document Transmitted:

EXECUTED COMBINED DECLARATION
AND POWER OF ATTORNEY

Applicant: CHUNTHARAPAI ET AL.
Serial No.: 10/044,896
Filed: JANUARY 9, 2002
Group Art Unit: 1644
Our Ref. No.: 11669.147USU1
Confirmation No. 1225

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: Katherine M. Kowalchyk
Name: Katherine M. Kowalchyk
Reg. No.: 36,848

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Sheryl A. Boerboom

Signature

May 11, 2005

Date

Attorney Docket No. 11669.147USU1

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APR 12 2005

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United States Patent ApplicationGENENTECH, INC.
LEGAL DEPT.

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: ANTI-INTERFERON-ALPHA ANTIBODIES

The specification of which

a. is attached hereto
 b. was filed on January 9, 2002 as application serial no. 10/044,896, which I have reviewed and for which I solicit a United States patent.

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| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
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| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
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| 60/270,775 | 22 FEBRUARY 2001 |

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| | | | | |
|---------------------------------------------------|----------------------------|-----------------------------------|--------------------------------------------------|-------------------------|
| 2 | Full Name Of Inventor | Family Name CHUNTHARAPAI | First Given Name ANAN | Second Given Name |
| 0 | Residence & Citizenship | City COLMA | State or Foreign Country CALIFORNIA | |
| 1 | Mailing Address | Address 826 ELLIS DRIVE | Country of Citizenship USA | |
| Signature of Inventor 201: <i>Anon Chanthropy</i> | | | Date: 4/21/2005 | |
| 2 | Full Name Of Inventor | Family Name KIM | First Given Name JIN | Second Given Name K. |
| 0 | Residence & Citizenship | City CUPERTINO | State or Foreign Country CALIFORNIA | |
| 2 | Mailing Address | Address 22830 SAN JUAN ROAD | Country of Citizenship USA | |
| Signature of Inventor 202: | | | State & Zip Code/Country CALIFORNIA 95014/USA | |
| 2 | Full Name Of Inventor | Family Name PRESTA | First Given Name LEONARD | Second Given Name G. |
| 0 | Residence & Citizenship | City SAN FRANCISCO | State or Foreign Country CALIFORNIA | |
| 3 | Mailing Address | Address 1900 GOUGH STREET #206 | Country of Citizenship USA | |
| Signature of Inventor 203: | | | State & Zip Code/Country CALIFORNIA 94109/USA | |
| 2 | Full Name Of Inventor | Family Name STEWART | First Given Name TIMOTHY | Second Given Name |
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| 4 | Mailing Address | Address 465 DOUGLAS STREET | Country of Citizenship NEW ZEALAND | |
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| 2 | Full Name Of Inventor | Family Name CHUNTHARAPAI | First Given Name ANAN | Second Given Name |
| 0 | Residence & Citizenship | City COLMA | State or Foreign Country CALIFORNIA | |
| 1 | Mailing Address | Address 826 ELLIS DRIVE | Country of Citizenship USA | |
| Signature of Inventor 201: | | | Date: | |
| 2 | Full Name Of Inventor | Family Name KIM | First Given Name JIN | Second Given Name K. |
| 0 | Residence & Citizenship | City CUPERTINO | State or Foreign Country CALIFORNIA | |
| 2 | Mailing Address | Address 22830 SAN JUAN ROAD | Country of Citizenship USA | |
| Signature of Inventor 202: | | | Date: 5-4-05 | |
| 2 | Full Name Of Inventor | Family Name PRESTA | First Given Name LEONARD | Second Given Name G. |
| 0 | Residence & Citizenship | City SAN FRANCISCO | State or Foreign Country CALIFORNIA | |
| 3 | Mailing Address | Address 1900 COUGH STREET #206 | Country of Citizenship USA | |
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| 2 | Full Name Of Inventor | Family Name STEWART | First Given Name TIMOTHY | Second Given Name |
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Attorney Docket No. 11669.147USU1

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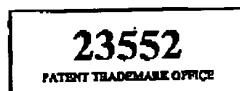
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ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
|---------|--------------------|--------------------------------------|-------------------------------------|
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| 60/270,775 | 22 FEBRUARY 2001 |

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

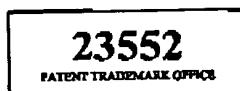
(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the attorney(s) and/or patent agent(s) associated with the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to customer number 23552.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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